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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : John S. Csapo, et al.
U.S. Serial No. : 10/080,889
Filed : February 22, 2002
For : OVERLAPPING COVERAGE SECTORED/OMNI ANTENNA
ARCHITECTURE FOR DUAL STANDARD SUPPORT
WITH HANDOFF TO BACKWARD-COMPATIBLE
STANDARD DURING ANTENNA/RF PATH/SYSTEM
FAILURE
Group No. : 2617
Examiner : James D. Ewart

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal. The review is requested for the reason(s) stated in the arguments below, demonstrating the clear legal and factual deficiency of the rejections of some or all claims.

Claims 1, 3, 6, 8, 16, 18, 21 and 23 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,471,471 to *Freeburg et al.* (“Freeburg”) in view of U.S. Patent No. 6,804,522 to *Lindskog et al.* (“Lindskog”). Claims 2, 7, 17 and 22 were rejected under § 103(a) over Freeburg in view of Lindskog and further in view of U.S. Patent No. 6,112,088 to *Haartsen* (“Haartsen”). Claims 3, 8, 18 and 23 were rejected under § 103(a) over Freeburg in view of Lindskog and further in view of U.S. Patent No. 6,141,566 to *Gerdisch et al.* (“Gerdisch”). Claims 4, 5, 9, 10, 19, 20, 24 and 25 were rejected under § 103(a) as being unpatentable over Freeburg in view of Lindskog and further in view of U.S. Patent Application Serial No. 10/034,234 (Pub. No. US2003/0123479) to *Lee et al.* (“Lee”). Claims 11-13 and 26-28 were rejected under § 103(a) over Freeburg in view of *Lindskog* and further in view of *Gerdisch*. Claims 14, 15, 29 and 30 were rejected under § 103(a) as being unpatentable over Freeburg, Lindskog and Haartsen in view of Gerdisch.

These rejections are legally deficient in that there is no proper motivation to combine these references and the cited references do not teach or suggest all the claim limitations.

Claim 1 requires, among other limitations an apparatus for supporting dual standards including a sectored antenna system for wireless communications utilizing a first standard within a coverage area and an omni antenna system for wireless communications utilizing a second standard within the coverage area. These limitations of Claim 1 are not disclosed, suggested, or even hinted at in Freeburg, Lindskog, Haartsen, Gerdisch, Lee, or any combination of them.

Freeburg discusses multiple packet transmission communication systems that have been developed. See Freeburg, col. 1, lines 35-61. The reference describes the systems as characterized by a defined set of operating frequencies and distinct air interfaces, or protocols. See Freeburg,

col. 1, lines 62-65. Freeburg then describes a control module, or base station, that communicates with end users using distinct and separate RF transmission protocols. See Freeburg, col. 4, lines 19-29.

Lindskog discusses the frequency reuse distance within a cellular radio communication system and its dependency upon the carrier-to-interference ratio of the deployed system. See Lindskog, col. 1, lines 21-25. The interference in the system results from adjacent base stations and multiple users within a cell transmitting on the same frequencies. See Lindskog, col. 1, lines 25-34. Interference may be reduced by using both omnidirectional and narrow beam antennas in a cell. See Lindskog, col. 1, lines 35-40.

Thus, the benefits of using omnidirectional and narrow beam antennas taught in Lindskog are unique to the problem of reusing common frequencies within a cell and in adjacent cells. The multi-protocol base station of Freeburg, on the other hand, transmits each protocol on a different defined set of operating frequencies. There is no teaching in any of the cited references of a benefit to using a sectored antenna system for a first wireless communication standard and an omni antenna system for a second standard, as recited in the claims of the present application. Nor is there a recitation in Freeburg of a problem or deficiency of the Freeburg multi-protocol base station that could be rectified by the omnidirectional and narrow beam antennas of Lindskog.

As such, there is no motivation to combine the cited references either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Instead the teaching or suggestion to make the claimed combination is found in the Applicants' disclosure and the obviousness rejection is thus legally deficient.

Claim 6 recites first and second coverage areas, each coverage area having a sectored antenna system utilizing a first wireless communication standard and an omni antenna system utilizing a second standard. Freeburg describes a single control module communicating with multiple end users in a single coverage area. Similarly, Lindskog describes the use of omnidirectional and narrow beam antennas within a single cell and the narrow beam antennas may create separate coverage areas. However, neither Freeburg, Lindskog, nor any of the other cited references describes first and second coverage areas, each with a sectored antenna system utilizing a first wireless communication standard and an omni antenna system utilizing a second standard, as recited in Claim 6. Thus, the cited references do not teach or suggest all the limitations of Claim 6 and the obviousness rejection is legally deficient.

As described above, the rejections of all claims are legally deficient, and it would therefore be inappropriate to put the Applicants to the time and expense of an appeal at this time.

As a result of the foregoing, the Applicants assert that the claims in the Application are in condition for allowance over all art of record, and respectfully requests this case be returned to the Examiner for allowance or, alternatively, further examination.

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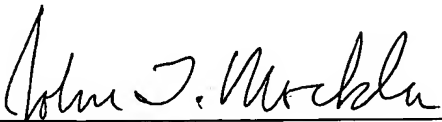
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

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